

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VERNALL A. JEFFRIES,	:	CIVIL ACTION NO. 1:09-CV-0692
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
HARLEY G. LAPPIN, et. al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 8th day of December, 2009, upon consideration of plaintiff's motion for leave (Doc. 43) to file a second amended complaint, and it appearing that the proposed amendments run afoul of the requirements of permissive joinder set forth in Federal Rule of Civil Procedure 20(a)(1)(A), in that plaintiff seeks to add another plaintiff and several new defendants, and includes allegations that do not involve the same transactions or occurrences but, rather, makes reference to random events unrelated to the allegations of the amended complaint (Doc. 32), and that allowance of the amendment would unduly prejudice defendants¹, it is hereby ORDERED that:

1. Plaintiff's motion for leave to amend (Doc. 43) is DENIED without prejudice to plaintiff's right to file a separate action.

¹After a party has amended its pleading once as a matter of course, a district court may deny a request for leave to amend if the record shows "undue prejudice to the opposing party by allowance of the amendment." Foman v. Davis, 371 U.S. 178, 182 (1962); FED. R. CIV. P. 15(a)(2) providing that a court should grant leave to amend its complaint "when justice so requires."

2. Plaintiff's motion for appointment of counsel (Doc. 44) is DENIED for the reasons cited in prior orders of court (Docs. 12, 26).
3. Defendants' motion for an extension of time (Doc. 46) to file an answer is GRANTED. Defendants may file an answer or respond to plaintiff's amended complaint (Doc. 32) on or before December 21, 2009.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge